



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2971

DATE SCANNED

8/3/15

SCANNER NO.

2

SCAN OPERATOR

53



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 APR -1 PM 5:20

April 1, 2015

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *for PCO*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *for PCO*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickerall *KDR*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2014 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2014 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2015.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

**Federal Election Commission
Reason to Believe Circulation Report
2014 YEAR-END Not Election Sensitive 01/31/2015 H_S_P_UNAUTH**

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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	IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS				
2971	C00559054		CAROL RUSSELL	\$228,068	0
					Not Filed
					\$32,581 (est)
					\$1,090

NOTHING

4/1/2015 4:56 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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Federal Election Commission
Certification for Administrative Fines
April 03, 2015

Page 2

IF HE VOTES LIKE THAT IN SALEM) AF# 2971
IMAGINE WHAT HE WILL DO IN)
CONGRESS, and CAROL RUSSELL as)
treasurer;)

Federal Election Commission
Certification for Administrative Fines
April 03, 2015

Page 3

01-1-010-010001-1

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 03, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2014 Year-End Report of the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 01, 2015, on the following committees:

Mathematics

Mathematics

Federal Election Commission
Certification for Administrative Fines
April 03, 2015

Page 6

UNCLASSIFIED

THEORY

THEORY

Page 9

1-800-NOW-BELT

Federal Election Commission
Certification for Administrative Fines
April 03, 2015

Page 10

11-11-10 10:00 AM

Federal Election Commission
Certification for Administrative Fines
April 03, 2015

Page 11

Attest:

April 6, 2015
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 6, 2015

Carol Russell, in official capacity as Treasurer
If He Votes Like That In Salem Imagine What He Will Do In Congress
89358 Cranberry Lane
Bandon, OR 97411

C00559054
AF#: 2971

Dear Ms. Russell:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period November 25, 2014 through December 31, 2014, was due no later than January 31, 2015. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 3, 2015, the FEC found that there is reason to believe ("RTB") that If He Votes Like That In Salem Imagine What He Will Do In Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2015. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,090. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$1,090 is due within forty (40) days of the finding, or by May 13, 2015, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$32,581
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1

under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 13, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that If He Votes Like That In Salem Imagine What He Will Do In Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(2) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$1,090 for the 2014 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 13, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: If He Votes Like That In Salem Imagine What He Will Do In Congress

FEC ID#: C00559054

AF#: 2971

PAYMENT DUE DATE: May 13, 2015

PAYMENT AMOUNT DUE: \$1,090



2015 APR 13 10:03:27

April 13, 2015

Federal Elections Commission
Attn: Ann M. Ravel
Washington, D.C. 20463

FEC OFFICE OF
ADMIN REVIEW

RE: If He Votes Like That In Salem Imagine What He Will Do In Congress (C00559054) AF#: 2971

Dear Ms. Ravel:

Attached you will find:

1. Letter from FEC, dated April 6, 2015
2. 10/15/2014 filed report
3. 10/23/2014 Filed report
4. 12/04/2014 filed report
5. 01/16/2015 filed report

I have attached all of the above to show there were no transactions since May of 2014. The committee is no longer a unit, except for me. I filed to close the committee for them last summer and was told no,

I have done this. I filed the Year-end report by mail, because I can no longer afford to pay the \$500.00 a month, out of my pocket, to file electronically until a decision is made by the FEC. I do not get paid to file and since there has been no activity since the primary last year, I just filed by paper.

In your letter you said the level of activity was \$32,581.00. Not sure when this was, but again there has been no activity since the primary.

Please let me know what I need to do. I have followed the law, I think...if I have not, I apologize. Look forward to hearing from you to rectify this.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Russell', written over a horizontal line.

Carol Russell

89358 Cranberry Lane
Bandon, OR 97411
(800) 293-0510
Fax (866) 814-0803



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 1, 2015

Carol Russell, Treasurer
If He Votes Like That In Salem
Imagine What He Will Do In Congress
89358 Cranberry Lane
Bandon, OR 97411

C00559054
AF#: 2971

Dear Ms. Russell:

On April 15, 2015, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for If He Votes Like That In Salem Imagine What He Will Do In Congress and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in cursive script that reads "Rhiannon P. Magruder".

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2015 JUN 12 A 11: 51

June 12, 2015

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *swt/fm*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2971 – If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer (C00559054)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation. After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 2015

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 2971 – If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer (C00559054)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Reason-to-Believe Background

The 2014 Year-End Report was due on January 31, 2015. The respondents filed a paper version of the 2014 Year-End Report on March 31, 2015. The report was required to be in an electronic format, thus it was considered not filed at the time of the RTB finding. 52 U.S.C. § 30104(a)(11) and 11 C.F.R. § 104.18(a). On June 4, 2015, the Committee electronically filed the 2014 Year-End Report, 124 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2014 Year-End Report and made a preliminary determination that the civil money penalty was \$1,090 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 6, 2015 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the period ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Political committees required to file reports with the Commission must file in an electronic format if they have received contributions or made expenditures or expect to receive contributions or make expenditures in a calendar year aggregating in excess of \$50,000. 52 U.S.C. § 30104(a)(11) and 11 C.F.R. § 104.18(a). Reports electronically filed must be received and validated at or before 11:59 p.m. Eastern Standard/Daylight Time on the filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On April 15, 2015, the Commission received the written response ("challenge") from the Treasurer, Ms. Carol Russell. The Treasurer states that the Committee has not had any financial activity since May 2014 and questions the \$32,581 in activity used to calculate the civil money penalty.

The Treasurer further explains that she requested termination in the summer of 2014.

She states she has filed the 2014 Year-End Report, and other reports, on paper because she cannot afford to personally pay \$500 a month to electronically file.

Included with the challenge are copies of the RTB Letter and 2014 October Quarterly, Pre-General, Post-General, and Year-End Reports.

Analysis

Political committees required to file reports with the Commission must file in an electronic format if they have received contributions or made expenditures totaling over \$50,000 in a calendar year. 52 U.S.C. § 30104(a)(11) and 11 C.F.R. § 104.18(a). Pages 51-52 of the Commission's *Campaign Guide for Nonconnected Committees* explain the electronic filing requirements as follows:

"A nonconnected committee must file all reports and statements electronically if it raises or spends more than \$50,000 in any calendar year, or expects to do so. Committees that are required to file electronically, but that file on paper or fail to file, will be considered nonfilers and may be subject to enforcement action. 104.18(a)(2)...

...Once nonconnected committees actually exceed the \$50,000 yearly threshold, they have 'reason to expect to exceed' the threshold in the following two calendar years. 104.18(a)(3)(i). Consequently, committees must continue to file electronically for the next two calendar years (January through December)."

The Committee crossed the mandatory electronic filing threshold with its first filed report, the 2014 April Quarterly Report. The Committee appropriately filed the 2014 April Quarterly, 12 Day Pre-Primary, July Quarterly, Termination¹, October Quarterly, Pre-General, and Post-General Reports in an electronic format. Because the Committee crossed the electronic filing threshold in 2014, it must electronically file at least through 2016.

On December 18, 2014, the Commission's Information Division sent an email to "russell.cna@gmail.com." The email reminded the Committee of the 2014 Year-End Report filing requirement.

¹ On August 28, 2014, RAD sent a Request for Additional Information ("RFAI") notifying the Committee that its request to terminate was denied due to an outstanding RFAI on the 2014 12 Day Pre-Primary Report.

TELECOMS

The respondents were again reminded of the 2014 Year-End reporting requirement on January 26, 2015. According to the Manager of the E-Filing and Disclosure Branch in the Commission's Office of the Chief Information Officer, the Electronic Filing Office ("EFO") sent a reminder email to "russell.cna@gmail.com," the email address previously provided by the Committee to EFO. The email stated: "Please note, Electronic filers have until 11:59 (EDT) on Saturday, January 31 to submit their Year End Report on time."

On February 1, 2015, EFO sent a late notification email to "russell.cna@gmail.com." The email notified the Committee that it had failed to electronically file their 2014 Year-End Report. On February 20, 2015, RAD sent a non-filer letter to the same email address. The notice informed the Committee that it may have failed to file the 2014 Year-End Report.

On April 6, 2015, 3 days after the RTB finding, the Commission received a paper version of the 2014 Year-End Report covering the period of November 25 through December 31, 2014.² The Treasurer included a hand-written note that explained she did not have the funds to continue filing electronically. The top of the 2014 Year-End Report also indicated that she had previously mailed the report to the Commission on January 16, 2015. However, there is no indication that the Commission ever received this document. The challenge did not include any supporting documentation; therefore, there is not enough evidence to suggest the Commission's record is incomplete. Moreover, the Treasurer's contention that she previously filed a paper version of the report is moot because the Committee is a mandatory electronic filer.

On April 22, 2015, RAD notified the respondents that the paper version of the report was not considered filed and must be filed in an electronic format. The notification was sent via email to "russell.cna@gmail.com."

According to RAD telecoms (written records of telephone conversation), on April 24, 2015, the Treasurer contacted the RAD Compliance Analyst regarding the notice. The Treasurer indicated that the Committee did not have the funds to continue paying for vendor provided software. The Compliance Analyst informed the Treasurer of the Commission's free filing software, FECFile, and advised her to electronically file any missing reports as soon as possible.

On May 28, 2015, the Reviewing Officer contacted the Treasurer and inquired about the status of electronically filing the 2014 Year-End Report. She indicated that she had researched FECFile and was ready to begin the process of transferring her data from the vendor provided software to FECFile. The Reviewing Officer encouraged the Treasurer to contact the Commission for assistance if needed. On June 3, 2015, the Treasurer left a message for the Reviewing Officer indicating she had attempted to transfer the data to FECFile with EFO's assistance, but she was unsuccessful. EFO and RAD have no records of any telephone conversations with the Committee around this time.

On June 4, 2015, the Treasurer worked with a new vendor and successfully electronically filed the 2014 Year-End Report, 124 days late.

² The document was sent via USPS Priority Mail on March 31, 2015 and is considered filed on that date.

The Reviewing Officer recognizes that the Treasurer chose to file on paper because the Committee could not afford to maintain an account with the existing filing software vendor. However, the challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

At the time of the RTB finding, the Commission used an estimated level of activity (\$32,581) to calculate the fine because the report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(ii)(A). The respondents' 2014 Year-End Report discloses \$0 in total receipts and \$0 in total disbursements, resulting in an actual level of activity of \$0. Since the schedule of penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2971 involving If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2971 that If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and based on the actual level of activity of the 2014 Year-End Report (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$1,090); and
- 3) Send the appropriate letter.

Attachments

- Attachment 1 -
- Attachment 2 - Pages 51-52 of *Campaign Guide for Nonconnected Committees*
- Attachment 3 -
- Attachment 4 -
- Attachment 5 - Declaration from RAD
- Attachment 6 - Declaration from OAR

Filing FEC Reports

48-Hour Independent Expenditure Reports

Political committees that make independent expenditures at any time during a calendar year—up to and including the 20th day before an election—must disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more with respect to a given election. This reporting requirement is in addition to the requirement to file 24-hour notices of independent expenditures each time that disbursements for independent expenditures aggregate at or above \$1,000 during the last 20 days—up to 24-hours—before an election. 104.4(b) and 104.5(g)(1). For information on such last-minute independent expenditure reports, see page 72.

5. Nonelection Year Reporting

Nonelection years are years in which there are no regularly scheduled federal elections (i.e., odd-numbered years).

Semiannual Reports

During a nonelection year, quarterly filers automatically switch to a semiannual reporting schedule. Nonconnected committees do not need to notify the Commission of this switch. Two semiannual reports are required:

- The mid-year report, covering activity from January 1 through June 30, must be filed by July 31, and
- The year-end report, covering activity from July 1 through December 31, must be filed by January 31 of the following year.

104.5(c)(2)(i).

If the committee makes contributions or expenditures in connection with special elections, it may have additional reporting responsibilities. See “Special Elections” below.

Monthly Reports

Reports covering each month’s activity are due on the 20th of the following month. The first monthly report, covering January, is due February 20; the final monthly report covers November and is due December 20 of the nonelection year. The committee reports December’s activity in the year-end report, due the following January 31. 104.5(c)(3).

Changing Filing Schedule

A committee that filed monthly reports during the election year continues to file monthly during the nonelection year. However, the committee may change to a semiannual filing schedule if it first notifies the FEC of that change in writing.

A committee may change its filing schedule only once per calendar year. 104.5(c).

6. Special Elections

Nonconnected committees making contributions or expenditures in connection with a special election may be required to file special election reports, including reports of last-minute independent expenditures (if appropriate). Filing dates for special elections are published in the Federal Register, on the FEC web site and in the FEC Record. (Committees filing on a monthly basis are not required to file special election reports.) 104.5(h)(1).

If a regularly scheduled report is due within 10 days of the date a special election report is due, the Commission may waive the regular report. 104.5(h)(2). Committees should check with the FEC to verify whether a report has been waived.

7. Electronic Filing

A nonconnected committee must file all reports and statements electronically if it raises or spends more than \$50,000 in any calendar year, or expects to do so. Committees that are required to file electronically, but that file on paper or fail to file, will be considered nonfilers and may be subject to

enforcement action. 104.18(a)(2). See page 48, "Administrative Fines for Late Filers and Nonfilers."

Because electronic filing is more efficient and cost effective than paper filing, even nonconnected committees that do not meet the \$50,000 threshold requirement are encouraged to file their reports electronically. Please note, however, that voluntary electronic filers must continue to file electronically for the remainder of the calendar year unless the Commission determines that extraordinary and unforeseen circumstances make continued electronic filing impractical. 104.18(b).

Methods of Electronic Filing

Most committees filing electronically find it convenient to do so via an Internet connection with a password (see "Treasurer's Duties" on page 47). Committees may, however, submit their electronic reports on diskettes or CD (either hand delivered or sent by other means such as U.S. Postal Service). Electronic filers must file all their reports electronically, and the reports must adhere to the FEC's Electronic Filing Specifications Requirements.⁵ 104.18(d). Committees filing electronically on diskette or CD must also submit a written certification—signed by the treasurer or assistant treasurer—either on paper (e.g. a signed first page of FEC Form 3X) or as a separate file with the electronic report, verifying that the treasurer has examined the documents and that, to the best of his or her knowledge, the report is correct, complete and true. 104.18(g).

Calculating the Threshold

Nonconnected committees should use the following formulas to determine if their total expenditures or total contributions are over \$50,000 per calendar year:

Total Contributions Received⁶

- Refunds of Contributions
- + Transfers from Affiliated Committees
- = Total Contributions

⁵ Available online at the FEC web site www.fec.gov or on paper from the FEC.

⁶ Including the outstanding balance of any loans.

or

- Total Federal Operating Expenditures
- + Federal Contributions Made
- + Transfers to Affiliated Federal Committees
- + Independent Expenditures
- = Total Expenditures

Have Reason to Expect to Exceed the Threshold

Once nonconnected committees actually exceed the \$50,000 yearly threshold, they have "reason to expect to exceed" the threshold in the following two calendar years. 104.18(a)(3)(i). Consequently, committees must continue to file electronically for the next two calendar years (January through December).

Committees With No History

New committees with no history of campaign finance activity have reason to expect to exceed the \$50,000 yearly threshold if:

- The committee receives contributions or makes expenditures that exceed one-quarter of the threshold amount in the first calendar quarter of the calendar year (i.e., exceeds \$12,500 by the end of March); or
- The committee receives contributions or makes expenditures that exceed one-half of the threshold amount in the first half of the calendar year (i.e., exceeds \$25,000 by the end of June).

104.18(a)(3)(ii).

Verification Requirements

The political committee's treasurer must verify the electronically filed reports by:

- Submitting a signed certification on paper along with the computerized media; or
- Submitting a digitized copy of the signed certification as a separate file in an electronic submission.

The signed verification must certify that the treasurer or assistant treasurer has examined the sub-

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to If He Votes Like That In Salem Imagine What He Will Do In Congress:
 - A) Termination Denial Letter, dated August 28, 2014, referencing the Termination Report covering July 1, 2014 through July 31, 2014 (sent via electronic mail to: russell.cna@gmail.com);
 - B) Non-Filer Letter, dated February 20, 2015, referencing the 2014 Year-End Report (sent via electronic mail to: russell.cna@gmail.com);
 - C) Notice of Requirement to File Electronically, dated April 22, 2015, referencing the 2014 Year-End Report (sent via electronic mail to: russell.cna@gmail.com);
 - D) Reason-to-Believe Letter, dated April 6, 2015 referencing the 2014 Year-End Report (sent via overnight mail to the address of record).
3. I hereby certify that I have searched the Commission's public records and find that If He Votes Like That In Salem Imagine What He Will Do In Congress filed an electronic version of the 2014 Year-End Report with the Commission on June 4, 2015. Additionally, If He Votes Like That In Salem Imagine What He Will Do In Congress filed a paper version of the report with the Commission on March 31, 2015.

4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 10th day of June, 2015.

Kristin D. Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

UNITED STATES OF AMERICA



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 28, 2014

CAROL RUSSELL, TREASURER
IF HE VOTES LIKE THAT IN SALEM IMAGINE
WHAT HE WILL DO IN CONGRESS
89358 CRANBERRY LANE
BANDON, OR 97411

Response Due Date
10/02/2014

IDENTIFICATION NUMBER: C00559054

REFERENCE: TERMINATION REPORT (07/01/2014 - 07/31/2014)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 1 item(s):

- Your committee has requested that the Commission permit your committee to terminate pursuant to 2 U.S.C. §433(d) and 11 CFR §102.3. In order to terminate your committee, you must file amendments to correct any problems on your 12 Day Pre-Primary Report (4/1/14 - 4/30/14) and/or on any previous reports that still contain uncorrected errors or omissions. If you are not certain about what corrections need to be made, please contact the undersigned analyst. Once the FEC receives and approves the corrections to your report(s), it will notify you. Until that time, you must continue to file all required reports.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

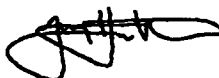
Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any

IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS

Page 2 of 2

questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1148.

Sincerely,



Quy Vuong
Senior Campaign Finance Analyst
Reports Analysis Division

232

14330060210



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 20, 2015

CAROL RUSSELL, TREASURER
IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS
89358 CRANBERRY LANE
BANDON, OR 97411

IDENTIFICATION NUMBER: C00559054

REFERENCE: YEAR-END REPORT (11/25/2014 - 12/31/2014)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a) (formerly 2 U.S.C. §434(a))

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report or relevant portions must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact David Garr in the Reports Analysis Division on our toll free number (800)424-9530. The analyst's direct number is (202)694-1137.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-P

April 22, 2015

CAROL RUSSELL, TREASURER
IF HE VOTES LIKE THAT IN SALEM IMAGINE
WHAT HE WILL DO IN CONGRESS
89358 CRANBERRY LANE
BANDON, OR 97411

IDENTIFICATION NUMBER: C00559054

REFERENCE: YEAR-END REPORT (11/25/2014 - 12/31/2014)

Dear Treasurer:

Your Committee has failed to file the above-referenced report in an electronic format. 11 CFR §104.18 states that any committee that receives contributions or makes expenditures in excess of \$50,000 in the current calendar year, or that has reason to expect to do so, must submit its reports electronically. Once filers exceed the \$50,000 threshold, they have "reason to expect" to exceed the threshold in the following two calendar years. Alternatively, committees that have not met the electronic filing threshold but instead voluntarily files reports electronically must continue to file electronically for the remainder of the calendar year.

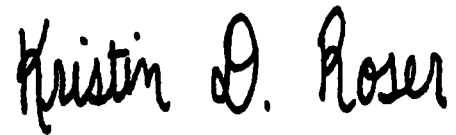
It is important that you file this report in an electronic format immediately with the Federal Election Commission. Any filer who is required to file electronically, but instead files on paper, will be considered a nonfiler and may be subject to enforcement action under the Administrative Fine Program. Your reporting obligation will not be satisfied until you file the above-reference report in an electronic format. The civil money calculation for late reports does not include a grace period and begins on the day following the due date for the report.

If you have any questions, please contact David Garr in the Reports Analysis Division on the toll free number, (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division). His local number is (202) 694-1137.

IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS

Page 2 of 2

Sincerely,

A handwritten signature in black ink that reads "Kristin D. Roser". The signature is written in a cursive, flowing style.

Kristin Roser
Chief, Compliance Branch
Reports Analysis Division

223

2014-11-10 11:00:11

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file a report for the quarter ending December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31 for the Year-End Report to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
- a) Cover Letter, Cover Page, Summary Page, and Detailed Summary Pages of the 2014 Year-End Report submitted on paper by If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer. According to the Commission's records, the report was received on March 31, 2015 and covers the period of November 25, 2014 through December 31, 2014.
 - b) Cover Page, Summary Page, and Detailed Summary Pages of the 2014 Year-End Report electronically filed by If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer. According to the Commission's records, the report was received on June 4, 2015 and covers the period of November 25, 2014 through December 31, 2014.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 12th day of June, 2015.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 2015

Carol Russell, Treasurer
If He Votes Like That In Salem
Imagine What He Will Do In Congress
89358 Cranberry Lane
Bandon, OR 97411

C00559054
AF#: 2971

Dear Ms. Russell:

On April 3, 2015, the Federal Election Commission ("Commission") found reason to believe ("RTB") that If He Votes Like That In Salem Imagine What He Will Do In Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2014 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$1,090 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
JUN 30 2015

2015 JUN 30 PM 3:37

June 30, 2015

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *PCO/AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2971 – If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer (C00559054)

On April 3, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2014 Year-End Report and made a preliminary determination that the civil money penalty was \$1,090 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 15, 2015, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated June 12, 2015 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. They submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB, or that they used best efforts to file on time. 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommended that the Commission make a final determination that they violated 52 U.S.C. § 30104(a).

At the time of the RTB finding, the Commission used an estimated level of activity (\$32,581) to calculate the fine because the report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(ii)(A). The respondents' 2014 Year-End Report discloses \$0 in total receipts and \$0 in total disbursements, resulting in an actual level of activity of \$0. Since the schedule of penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2971 involving If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2971 that If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and based on the actual level of activity of the 2014 Year-End Report (S0), assess no civil money penalty (reduced from the RTB civil money penalty of \$1,090); and
- 3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 2971
If He Votes Like That In Salem Imagine)
What He Will Do In Congress and Carol)
Russell, in her official capacity as)
Treasurer (C00559054))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 17, 2015, the Commission decided by a vote of 5-1 to take the following actions in AF 2971:

1. Adopt the Reviewing Officer recommendation for AF# 2971 involving If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2971 that If He Votes Like That In Salem Imagine What He Will Do In Congress and Carol Russell, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and based on the actual level of activity of the 2014 Year-End Report (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$1,090).
3. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, and Walther voted affirmatively for the decision. Commissioner Weintraub dissented.

Attest:

July 20, 2015
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 21, 2015

Carol Russell, Treasurer
If He Votes Like That In Salem
Imagine What He Will Do In Congress
89358 Cranberry Lane
Bandon, OR 97411

C00559054
AF#: 2971

Dear Ms. Russell:

On April 3, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that If He Votes Like That In Salem Imagine What He Will Do In Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2014 Year-End Report. By letter dated April 6, 2015, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,090 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 15, 2015, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that If He Votes Like That In Salem Imagine What He Will Do In Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and based on the actual level of activity disclosed on the 2014 Year-End Report filed June 4, 2015 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation was sent to you on June 12, 2015.

On July 17, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that If He Votes Like That In Salem Imagine What He Will Do In Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and based on the level of activity disclosed on the 2014 Year-End Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$1,090). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel
Chair

Attachment

2025-01-15 10:00:00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2971

DATE SCANNED 8/3/15

SCANNER NO. 2

SCAN OPERATOR Jh